

ID. Date of interview  
date 12/02/20

ID. Time interview started  
start 15:19:24

ID.end Completion date of interview  
Date 12/02/20

ID.end Time interview ended  
15:23:57

ID. Duration of interview  
time 4.55

new case

# ICO consultation on the draft right of access guidance

Q1 Does the draft guidance cover the relevant issues about the right of access?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, what other issues would you like to be covered in it?

Q2 Does the draft guidance contain the right level of detail?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?

☐ Yes

☒ No

☐ Unsure / don't know

If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

It would be helpful for an example about what a third-party portal request would look like to be provided, for example a letting agency reference request.

Q4 We have found that data protection professionals often struggle with applying and defining 'manifestly unfounded or excessive' subject access requests. We would like to include a wide range of examples from a variety of sectors to help you. Please provide some examples of manifestly unfounded and excessive requests below (if applicable).

Mr X has requested his Social Work files of his child and grandchild in 2015. He received the information he was entitled to at the time. In 2016, he complained that the information he expected to see was not there. He was advised to contact the ICO. Mr X also asks about a voicemail, which we have advised we no longer hold. Mr X asks for copies of the voicemail and documents from his records on a monthly basis. Our unacceptable actions policy has been implemented in relation to the excessive volume of complaints received from Mr X.

Q5 On a scale of 1-5 how useful is the draft guidance?

1 - Not at all useful	2 – Slightly useful	3 – Moderately useful	4 – Very useful	5 – Extremely useful
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q6 Why have you given this score?

The guidance provides comprehensive information broken into appropriate sections which helps to confirm our understanding of how Subject Access Requests should be handled. The information relating to third party portal requests and no expectation to produce FOISA/EIR refusal notices provides us with clarity in these areas. The advice around consideration of risk assessments was also particularly helpful. We have some concerns regarding the guidance in relation to compliance times and specifically guidance on the choice to adopt the 28 day option or 1 month unless the corresponding date falls on a weekend or public holiday option. Whilst we appreciate the additional time processing (especially over Christmas), we feel that this could cause potential confusion for customers if a consistent approach is not taken by all organisations.

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?

Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

Given the increase in requests being received from care experienced individuals and the large volume of files and complexity often involved, it would be helpful if this could be acknowledged within the guidance. Some information around how such requests could be handled would also be welcomed e.g. partial releases of requests as and when available at the agreement of the applicant. Further clarification around complex requests would also be beneficial, particularly in relation to the statement - "Applying an exemption that involves large volumes of particularly sensitive information" as a reason why a request may be considered complex. This statement may be misinterpreted and further information as to why this leads to complexity would provide clarity. "Applying an exemption" is wide ranging and could include quoting an exemption in a response letter or complex redaction of Social Work records. It is helpful to have in the guidance that applying an exemption that involves a large amount of sensitive information may lead to a request being complex, and clear that this encompasses all of the activities required to properly apply exemptions.

Q9 Are you answering as:

- ☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Please specify the name of your organisation:

Aberdeen City Council

What sector are you from:

Public

Q10 How did you find out about this survey?

- ☐ ICO Twitter account
- ☐ ICO Facebook account
- ☐ ICO LinkedIn account
- ☐ ICO website
- ☐ ICO newsletter
- ☐ ICO staff member
- ☒ Colleague
- ☐ Personal/work Twitter account
- ☐ Personal/work Facebook account
- ☐ Personal/work LinkedIn account
- ☐ Other

If other please specify: